

In the
Indiana Supreme Court



IN THE MATTER OF THE)
)
APPROVAL OF LOCAL RULES)
)
FOR JAY COUNTY)

Case No. 38S00-1107-MS-408

ORDER APPROVING AMENDED LOCAL RULE

The judges of the Jay Circuit and Superior Courts request the approval of an amended local rule for appointment of special judges in accordance with Ind. Trial Rule 79. Attached to this Order is the proposed amended local rule.

Upon examination of the proposed rule amendment requested by the Jay Circuit and Superior Courts, this Court finds that the proposed rule amendment, LR38-TR79-1, complies with the requirements of Ind. Trial Rule 79, and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that Jay County Local Rule, LR38-TR79-1, set forth as an attachment to this Order, is approved effective July 1, 2011, provided further that the rule shall be posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. Brian D. Hutchison, Jay Circuit Court, 121 North Court Street, Portland, IN 47371-2116; the Hon. Max C. Ludy, Jr., Jay Superior Court, 120 North Court Street, Portland, IN 47371-2116; to the Clerk of the Jay Circuit and Superior Courts; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Jay Circuit and Superior Courts is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, this 1st day of July, 2011.

RT Shepard
Randall T. Shepard
Chief Justice of Indiana

LR38-TR79-1 SPECIAL JUDGE APPOINTMENT IN CIVIL AND JUVENILE CASES

Pursuant to Trial Rule 79 of the Indiana Rules of Trial Procedure, the Circuit and Superior Courts of Jay County adopt the following rule for the appointment of special judges in civil and juvenile cases.

(A) CIVIL CASES

In the event a special judge selected in civil cases under Trial Rule 79, Sections (D) (E) or (F) does not accept the case, or a judge disqualifies and recuses under Trial Rule 79(C), the regular sitting judge shall direct the Clerk of Jay County to select, on a rotating basis, one of the judges from the following available panel of judges (omitting the judge from whom the change of venue is being taken):

Presiding Judge, Blackford Circuit Court;

Presiding Judge, Blackford Superior Court;

Presiding Judge, Delaware Circuit Court #1;

Presiding Judge, Delaware Circuit Court #2;

Presiding Judge, Delaware Circuit Court #3;

Presiding Judge, Delaware Circuit Court #4;

Presiding Judge, Delaware Circuit Court #5;

Presiding Judge, Henry Circuit Court;

Presiding Judge, Henry Superior Court #1;

Presiding Judge, Henry Superior Court #2;

Presiding Judge, Jay Circuit Court;

Presiding Judge, Jay Superior Court;

Presiding Judge, Randolph Circuit Court;

Presiding Judge, Randolph Superior Court

(B) JUVENILE CASES

In the event a special judge selected in juvenile cases under Trial Rule 79, Sections (D) (E) or (F) does not accept the case, or a judge disqualifies and recuses under Trial Rule 79(C), the regular sitting judge shall direct the Clerk of Jay County to select, on a rotating basis, one of the judges from the following available panel of juvenile court judges (omitting the judge from whom the change of venue is being taken):

Presiding Judge, Blackford Circuit Court;

Presiding Judge, Delaware Circuit Court #2;

Presiding Judge, Henry Circuit Court;

Presiding Judge, Henry Superior Court #1;

Presiding Judge, Jay Circuit Court;

Presiding Judge, Randolph Circuit Court;

(C) SEPARATE LISTS:

The Jay County Clerk shall maintain separate civil and juvenile lists, in the order of rotation as set forth in this rule, from which the regular sitting judge can determine the appropriate appointment in civil and juvenile cases.

If a special judge selected from the rotating list is ineligible for, disqualified from, or excused from appointment, the regular sitting judge shall direct the Clerk to select, on a rotating basis, the next judge on the list.

In the event that no judicial officer on the above lists is eligible to serve as special judge, or if the circumstances of a particular case warrant, the regular sitting judge shall direct the Clerk to certify the matter to the Indiana Supreme Court for appointment of a special judge.